

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13127, of Exxon Co., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5101.41 to allow a proposed enlargement of a gasoline service station in a C-2-A and C-M-3 Districts at the premises No. 1 Florida Avenue, N.E. (Square 668, Lots 42, 43, 83, 84, 85, 89 and 804).

HEARING DATE: January 16, 1980

DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. At the Public Hearing of January 16, 1980, the Board granted the applicant's motion to amend the application from one seeking a special exception under Paragraph 5101.41 of the Zoning Regulations to one seeking a special exception under Paragraph 5102.41 of the Zoning Regulations. The latter paragraph is the proper reference for a C-2-A District, and it also incorporates all of the standards of the former paragraph as well.

2. The subject site is located on the southeast corner of the intersection of Florida Avenue and North Capitol Street. It is known as No. 1 Florida Avenue, N.E. It is split-zoned C-2-A and C-M-3. Special exception approval under this application is required only for the portions of the site zoned C-2-A which consists of lots 42, 43 and 89. The total area of the site is approximately 22,377.50 square feet.

3. The site is currently improved with an existing gasoline service station established pursuant to the Order entered in BZA Application No. 5517, for which the date of Public Hearing was May 20, 1959. In BZA Application No. 7479, the Board approved the request to add two service bays.

4. The existing gasoline service station contains three service bays and three pump islands which contain six full service nozzles and seven self-service nozzles. Three underground storage tanks on the site have a total capacity of 20,000 gallons. The hours of operation are dictated by product availability. At the time of public hearing, the hours of operation were 7:00 A.M. to 6:00 P.M. It is proposed that the station could be open twenty-four hours a day.

5. The applicant proposes to demolish the existing improvements and to erect a modern service station and enlarge the existing facility.

6. North of the subject site on Florida Avenue, N.E. there is a fast food restaurant and row structures which are located in a C-2-A District. To the east of the site is an abutting vacant lot, a post office and an auto parts yard, all of which are located in a C-M-3 District. South of the site are row structures occupied with various retail commercial uses and a casket company in the C-2-A and C-M-3 Districts. North Capitol Street lies to the west of the site. Also to the west of the site are a drug store and liquor store in the C-2-A District. On the northwest corner of the intersection of Florida Avenue and North Capitol Street is an Exxon gasoline station in the C-2-A District.

7. North Capitol Street has six lanes of two-way traffic with three lanes in either the north or south direction utilized during rush hours.

8. Applicant proposes to construct a three bay service building, a kiosk and four pump islands, two parallel to Florida Avenue and two parallel to North Capitol Street. A canopy will be erected over the pump islands and kiosk. New underground gasoline storage tanks, including one 10,000 gallon diesel fuel tank, one 10,000 gallon tank for regular grade gasoline, one 8,000 gallon tank for unleaded gasoline and one 8,000 gallon tank for premium gasoline, will be provided.

9. In accordance with Paragraphs 5101.41, 5102.41, and Article 74 of the Zoning Regulations, the Board finds that:

- a. The property is located entirely within a non-residential district and there is no residential district within twenty-five feet of the property.
- b. There are three existing curb cuts which provide access to the station, none of which are connected with the street at points closer than twenty-five feet to any residential district. Additional property has been acquired to provide one additional entrance on North Capitol Street. This additional access point on North Capitol lies further south of the intersection of North Capitol Street and Florida Avenue than does the existing curb cut on North Capitol Street.
- c. The proposed modifications will improve the physical layout of the existing station and improve traffic circulation within the station.

- d. The application was referred to the D.C. Department of Transportation for review and report.
- e. The new canopy to be provided will be of a low profile design with indirect lighting which will not be visible outside of the area.
- f. One sign will be erected at the intersection of North Capitol Street and Florida Avenue which, together with the pole to which it will be attached, will be twenty-five feet in height.

10. The Office of Planning and Development by report, dated February 19, 1980, recommended approval of the application on the grounds that the lot has been occupied by a gasoline service station since the 1950's providing a necessary and convenient service to vehicular travelers at this busy intersection in the city. The OPD was of the opinion that the modernization and modification of the site will not tend to affect adversely the use of the neighboring properties or adversely impact the traffic flow on the surrounding streets. The proposal to continue the full service functions is also supportive of the city's goals and policies to encourage full service gasoline stations. The Board so finds.

11. There was no recommendation from Advisory Neighborhood Commission - 5C.

12. There was no opposition to the application at the public hearing. There were two letters in opposition to the application. The letters do not address any standards of the regulations which the Board must consider in deciding this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board is of the opinion that the requirements of Paragraphs 5101.41 and 5102.41 of the Zoning Regulations have been met by the applicant. In accordance with Paragraph 5101.41, the site is not within twenty-five feet of a residential district, and all driveways are more than twenty-five feet from the intersection of North Capitol Street and Florida Avenue, N.E.

The Board further is of the opinion that the proposed modernization and modification will not result in any dangerous or otherwise objectionable traffic conditions, since there will be four access points and the proposed modification will improve traffic circulation within the station. The Board also concludes that the granting of the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with those Regulations and Map. Accordingly, it is hereby ORDERED that this application is GRANTED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Connie Fortune and Leonard L. McCants to GRANT; John G. Parsons to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 MAY 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13127, of Exxon Company, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5101.41 to allow a proposed enlargement of a gasoline service station in a C-2-A and C-M-3 Districts at the premises No. 1 Florida Avenue, N.E. (Square 668, Lots 42, 43, 83, 84, 85, 89 and 804).

HEARING DATES: January 16 and December 17, 1980

DECISION DATES: April 2, 1980 and January 7, 1981

FINDINGS OF FACT:

1. By order, dated May 19, 1980, the Board granted special exception approval, pursuant to Sub-section 5102.41 of the Zoning Regulations, to permit enlargement of a gasoline service station located at the premises 1 Florida Avenue, N.E.

2. By letter, dated December 1, 1980, the applicant requested that the Board review modifications to the plans previously submitted with this application. As explained by the applicant, the reason for the modifications was to improve traffic circulation within the station to a greater degree than resulted from the plans approved by the Board.

3. Under the plans approved by the Board in its Order of May 19, 1980, the applicant proposed construction of a three bay service building, a kiosk, and four pump islands, two of which were parallel to North Capitol Street. The plans called for erection of a canopy over the pump islands and kiosk. The applicant also proposed new underground gasoline storage tanks, including one 10,000 gallon diesel fuel tank, one 10,000 gallon tank for regular grade gasoline, and one 8,000 gallon tank for unleaded gasoline and one 8,000 tank for premium gasoline.

4. Under the proposed revised plans, the applicant plans the realignment of the pump islands and the elimination of one pump island, as well as a redesign of the canopy and kiosk to conform with the new pump island layout.

5. As modified, the plans comply in all other respects with the Board's Order of May 19, 1980.

6. Other than the minor modifications described herein, the Board finds no changes in material facts since its approval of this application in its order of May 19, 1980. Accordingly, the Board readopts its Findings of Fact made in that earlier Order, except as those Findings of Fact are modified and supplemented by the Findings of Fact herein, and incorporates those Findings of Fact in this Order.

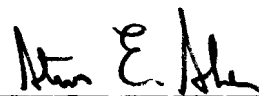
CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board is of the opinion that the requirements of Paragraphs 5101.41 and 5102.41 have been met by the applicant. In accordance with Paragraph 5101.41, the site is not within twenty-five feet of a residential district, and all driveways are more than twenty-five feet from the intersection of North Capitol Street and Florida Avenue, N.E.

The Board further is of the opinion that the proposed modernization and modification will not result in any dangerous or otherwise objectionable traffic conditions since there will be four access points and the proposed modification to the previously approved plans will improve traffic circulation within the station. The Board also concludes that the granting of the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with those Regulations and Map. Accordingly, it is therefore hereby ORDERED that the revised plans submitted by the applicant marked as Exhibit No. 32 of the record, are approved, and shall be substituted for those plans originally submitted to and approved by the Board. In all other respects, the previous approval and order shall remain in full force and effect.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Douglas J. Patton and Connie Fortune to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

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EFFECTIVE DATE OF ORDER: **12 MAR 1981**

UNDER SUBSECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION
OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER
HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF
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